

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: C. R. BARD, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL NO. 2187

THIS DOCUMENT RELATES TO:

LEIGH SPARKS and
TERRENCE SPARKS,

Plaintiffs,

v.

Civil Action No. 2:19-cv-00095
Judge Goodwin

C. R. BARD, INC. and
SOFRADIM PRODUCTION SAS,

Defendants.

MEMORANDUM OPINION AND ORDER

On June 21, 2018, I entered Pretrial Order (“PTO”) # 284 ordering that “plaintiffs may no longer direct file claims against C. R. Bard, Inc., Sofradim Production SAS and/or Tissue Sciences Laboratories in the C. R. Bard MDL (as set forth in PTO # 123) or in any other pelvic mesh MDL assigned to the court[.]” *See In re: C. R. Bard, Inc., Pelvic Repair Sys. Prods. Liab. Litig.*, 2:10-md-2187 (“MDL 2187”) [ECF # 6075].

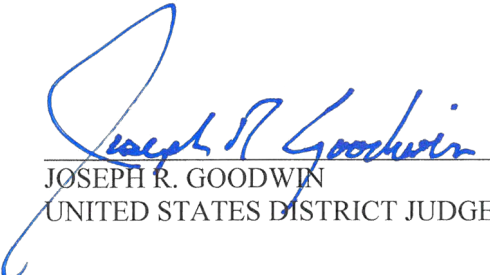
In the past I have allowed certain Complaints filed after PTO # 284 to remain in this court if the defendant had filed an answer pursuant to PTO # 51 and/or the case had a docket control order in place. In this civil action, (1) plaintiffs filed their complaint against C. R. Bard, Inc.

("Bard") on February 6, 2019, and filed an Amended Short Form Complaint on July 29, 2019, adding Sofradim Production, SAS ("Sofradim") as a defendant, (2) there is no indication that Sofradim has been served, (3) neither defendant has answered, (4) Bard has filed a Motion to Dismiss, and (5) although this case is on a docket control order, several deadlines on the docket control order have passed prior to the service of the complaint upon Bard or service of the amended complaint, that would necessitate a new docket control order should this case be allowed to proceed in this court. Thus, this action should be dismissed pursuant to PTO # 284. Because this case will be dismissed, I decline to rule upon the Bard defendant's Motion to Dismiss [ECF # 6].

Pursuant to PTO # 284 the court **ORDERS** that this civil action is **DISMISSED WITHOUT PREJUDICE** and **STRICKEN** from the docket and any pending motions are **DENIED as moot**. If plaintiffs wish to proceed with their claims, they must file their action in the appropriate jurisdiction.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 12, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE